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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

SIERRA CLUB, et al.,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 4:19-cv-00872-HSG

No. 4:19-cv-00892-HSG

**MOTION OF NATIONAL
IMMIGRATION LAW CENTER, ASIAN
AMERICANS ADVANCING JUSTICE-
AAJC, ASIAN AMERICANS
ADVANCING JUSTICE-LOS ANGELES,
AALDEF, BLACK ALLIANCE FOR
JUST IMMIGRATION AND
LATINOJUSTICE PRLDEF FOR
LEAVE TO FILE BRIEF AS *AMICI
CURIAE* IN SUPPORT OF PLAINTIFFS'
PRELIMINARY INJUNCTION**

Dept: Courtroom 2, 4th floor
Judge: The Honorable Haywood S. Gilliam
Hearing Date: May 17, 2019
Action Filed: February 18, 2019
February 19, 2019

1 The National Immigration Law Center (“NILC”), Asian Americans Advancing Justice-AAJC
 2 (“Advancing Justice-AAJC”), Asian Americans Advancing Justice-Los Angeles (“Advancing
 3 Justice-Los Angeles”), the Asian American Legal Defense and Education Fund (“AALDEF”),
 4 Black Alliance for Just Immigration (“BAJI”), and LatinoJustice PRLDEF respectfully move for
 5 leave to file a memorandum as *amici curiae* in the above-captioned matters in support of Plaintiffs’
 6 Motion for a Preliminary Injunction. Amici are all nonprofit organizations dedicated to advancing
 7 and defending the constitutional rights of diverse communities of color, immigrant communities,
 8 and their families. *Amici’s* interest in the outcome of this case arises out of *amici’s* efforts to
 9 defend against the racial animus and xenophobic nature of the Executive’s immigration policies
 10 as well as their concern for the harms to immigrant communities and communities of color when
 11 the Executive takes unilateral action to exclude immigrants. *Amici* have a significant interest to the
 12 case. The following briefly describes each organization:

13 *Amicus*, **National Immigration Law Center** is the primary national organization in the United
 14 States exclusively dedicated to defending and advancing the rights and opportunities of low-
 15 income immigrants and their families. Over the past 35 years, NILC has won landmark legal
 16 decisions protecting fundamental rights, and advanced policies that reinforce our nation’s values
 17 of equality, opportunity, and justice. NILC’s interest in the outcome of this case arises out its
 18 efforts to defend against the racial animus and xenophobic nature of the Executive’s immigration
 19 policies as well as its concern for the direct and indirect harms to immigrant communities when
 20 the Executive takes unilateral action to exclude immigrants.

21 *Amicus*, **Asian Americans Advancing Justice-AAJC**, is a member of a national nonprofit
 22 affiliation that routinely file amicus curiae briefs in cases across the country. Advancing Justice-
 23 AAJC works to advance and protect civil and human rights for Asian Americans—the fastest-
 24 growing population in the U.S.—and to build and promote a fair and equitable society for all.
 25 Advancing Justice-AAJC is one of the nation’s leading experts on issues of importance to the
 26 Asian American community, including immigration and immigrants’ rights. Along with its
 27
 28

Advancing Justice affiliates, it works to promote justice and bring national and local constituencies together through community outreach, advocacy, and litigation.

Amicus, Asian Americans Advancing Justice-LA, is the nation's largest legal services and civil rights organization devoted to the needs of Asian American, Native Hawaiian, and Pacific Islander ("NHPI") communities. Advancing Justice-LA's mission is to advocate for civil rights, provide legal services and education, and build coalitions to create a more equitable and harmonious society. Advancing Justice-LA focuses on the most vulnerable members of Asian American and NHPI communities as well as other immigrant and low-income communities, while also building a strong voice for civil rights and social justice. Accordingly, Advancing Justice-LA has a strong interest in promoting civil rights and safeguarding constitutional protections for all, including asylum seekers and immigrants.

Amicus, Asian American Legal Defense and Education Fund, is a New York-based national organization that protects and promotes the rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities, especially immigrants and refugees, to secure human rights for all.

Amicus, The Black Alliance for Just Immigration, is a national nonprofit organization that believes that a thriving multiracial democracy requires racial, social and economic justice for all. African Americans and black immigrants are stronger together and they can win by becoming leaders in the fight against structural racism and systemic discrimination. BAJI was formed to bring Black voices together to advocate for equality and justice in their laws and their communities.

Amicus, LatinoJustice PRLDEF, formerly known as the Puerto Rican Legal Defense & Education Fund, is a national non-profit civil rights legal defense fund that has advocated for and defended the constitutional rights of all Latinos to ensure their equal protection under the law since 1972. LatinoJustice has engaged in and supported law reform litigation challenging discriminatory policies and practices by governmental agencies and federal authorities in a wide range of areas, including immigrants' rights.

1 The *amici* brief would be helpful to the Court as it provides relevant historical context and
2 considers both the likelihood of harm to the Plaintiff states as well as the propriety of the
3 Defendants' asserted bases for their efforts to construct a wall. The brief would do so in two
4 parts.

5 First, the brief discusses the original efforts to construct physical barriers along the border
6 during the 1990s. The brief identifies the myriad harms to both immigrants and United States
7 border communities that ensued.

8 Second, the brief discusses the current context of the proposed border wall. It identifies both
9 the nature and improper motivations of the Executive in the area of immigration generally and
10 provides key context for this latest iteration of the "border wall" effort. It explains that the
11 current Executive action portends similar harms to the 1990s efforts, and that such harms will be
12 borne acutely by immigrant communities and communities of color.

13 All parties have consented to this *amicus* filing. A copy of NILC's proposed *amicus curiae*
14 brief and a proposed order are attached.

15 For the reasons stated above, *amici* respectfully request that the Court grant their motion
16 to file a brief as *amici curiae*.

17 Dated: May 1, 2019

Respectfully submitted,

18 /s/ Nicholas Espiritu

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the United States and the laws of the State of California, that on the 1st day of May, 2019, the foregoing document will be served electronically upon registered participants identified on the Notice of Electronic Filing.

/s/ Nicholas Espíritu
Nicholas Espíritu